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September 10, 2020

Via ECF

Honorable Alison J. Nathan  
U.S. District Court Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

RE: *Kadian Noble v. Weinstein, et, al.*, Case No.17 Civ. 09260 (RWS):  
**Joint Status Letter Pursuant to Order of May 12, 2020 (ECF 132)**

Dear Judge Nathan:

The parties to the above-captioned action, through their undersigned counsel, submit this Joint Status Letter pursuant to the Court's Order dated May 12, 2020.

At the time of the last Status Letter, a proposed settlement agreement involving multiple parties was being finalized to present for approval in the class action case, *Geiss v. The Weinstein Company Holdings LLC*, et al., case no. 1:17-cv-09554-AKH, U.S. District Court, Southern District of New York (the "Class Action"); and in the Chapter 11 bankruptcy case, *In Re The Weinstein Company Holdings, LLC*, 18-10601 (Bankr. D. Del.) (the "Bankruptcy Case"). The Settlement Agreement was presented to the Court in *Geiss* for preliminary approval, which was rejected by the Court by Memorandum Opinion dated July 24, 2020. This rejection necessitated a substantial restructuring if a settlement is to be obtained. On August 31, 2020, a revised Chapter 11 plan of liquidation was filed by the Debtors in the Bankruptcy Case, which was reported widely in the press. This plan, if confirmed, will allow claims of sexual assault survivors against Harvey Weinstein and the Debtors, including Plaintiff, to be resolved and paid by a fund created under the plan without the need for court approval in the Class Action. A tort claims bar date has been set by the Bankruptcy Court of October 31, 2020. It is anticipated that the claims resolution process in the Bankruptcy Case will be completed in early 2021. Under the proposed plan, a tort claimant filing a claim in the bankruptcy case will have the option of receiving the full liquidated value assigned to the claim in exchange for a full release, or 25% of this amount if the claimant does not release Harvey Weinstein individually.

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The parties remain confident that a settlement is feasible through the Bankruptcy Case. Based on the foregoing, the parties suggest that another joint status report be due in this case in 120 days. Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Stuart Mermelstein  
Stuart Mermelstein  
HERMAN LAW  
Attorney for Plaintiff

/s/ Phyllis Kupferstein  
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KUPFERSTEIN MANUEL LLP  
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